

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3526 of 2018

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Sabiha Naz W/o Rais Ahmad, Resident of Village- Barbatta, P.O.- Bishnupur,
P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Education, Bihar, Patna.
4. The Director, Department of Education, Govt. of Bihar, Patna.
5. The District Magistrate, Purnea at Purnea.
6. The District Education Officer, Purnea at Purnea.
7. The District Programme Officer, Purnea at Purnea.
8. The Block Education Officer, Baisa Block, Baisa, Purnea.
9. The Head Master, Middle School, Ghatiro, Baisa Block, District Purnea.
10. Cabinet Vigilance through Secretary, Department of Vigilance, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
For the Respondent/s : Mr. Madanjeet Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 15-03-2023 Heard the parties.

2. The claim of salary of the petitioner for the period of 01.02.2015 to 23.03.2015 to 24.08.2015 and 25.08.2015 to 13.08.2016 has been denied by the respondents-State on the ground that the petitioner did not work for the aforesaid period as Assistant Teacher in Primary School, Muslim Tola, Araria where she was appointed and thereafter transferred to Middle School, Ghatiro in Baisa Block, District- Purnia.

3. Learned counsel for the petitioner submits that for



the period 01.02.2015 to 20.08.2015, the petitioner was on deputation at Middle School, Barbatta. For other periods, the petitioner was ill being in the family way.

4. On the other hand, learned counsel for the State as well as learned counsel appearing for Vigilance submit that in the writ petition there is no statement that the petitioner was on maternity leave or on the medical leave at the relevant point of time and insofar as the claim of the petitioner that she was on deputation at Middle School, Barbatta is concerned, the same is suspicious inasmuch as no valid letter of deputation was issued by the concerned authority.

5. Learned counsel further submits that except the aforesaid period, the salary of the petitioner is being paid. The salary for the aforesaid period of absence has been denied on the basis of 'no work no pay'. However, after joining in the concerned school, the petitioner is being paid her salary regularly.

6. After having heard learned counsel for the parties and taking into consideration the fact that the petitioner remained absent for the period in question without any valid reason, accordingly, I do not find any illegality or infirmity in the action of the respondent-authority denying the salary for the



period the petitioner did not actually work.

7. Accordingly, the petition stands dismissed.

(Anil Kumar Sinha, J)

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